

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— against —

JOSE OCTAVIO ESPARAZA-LOPEZ,

Defendant.

07 Cr. 446 (VM)

ORDER

**VICTOR MARRERO, United States District Judge.**

The Government (see attached letter) requests that the next conference for defendant be rescheduled from October 5, 2007 to November 2, 2007, at 11:30 a.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until November 2, 2007.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

**SO ORDERED:**

Dated: New York, New York  
9 October 2007



Victor Marrero  
U.S.D.J.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10-5-07



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Place  
New York, New York 10007

October 9, 2007

**BY FACSIMILE**

Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: United States v. Jose Octavio Esparza Lopez  
SI 07 Cr. 446 (VM)

Dear Judge Marrero:

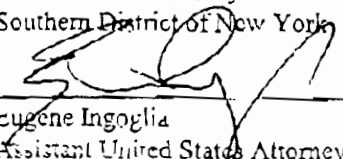
The Government respectfully submits this letter, after speaking with Your Honor's clerk, to request jointly with the defense an adjournment of the pre-trial conference currently scheduled for October 5, 2007 at 12:00 p.m., to November 2, 2007, at 11:30 a.m.

The Government requests, with the consent of defense counsel, that the time between now and November 2, 2007, be excluded from the speedy trial calendar based on a finding that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(8)(A). The parties will use the time to prepare and review discovery, and to continue discussions of a possible pre-trial disposition of the matter.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By.

  
Eugene Ingoglia  
Assistant United States Attorney  
Tel: (212) 637-1113

cc: Kelley Sharkoy, Esq.